

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND,  
NORTHERN DIVISION**

**BERNARD JAMMET  
1900 Carrollton Road  
Annapolis, MD 21409**

**and**

**MARY CHRISTINE JAMMET  
1900 Carrollton Road  
Annapolis, MD 21409**

**Plaintiffs**

**v.**

**UNITED NATURAL FOODS, INC.  
313 Iron Horse Way  
Providence, RI 02908**

**SERVE: The Corporation Trust Incorporated  
2405 York Road, Suite 201  
Baltimore, MD 21093**

**and**

**SUPERVALU TRANSPORTATION, INC.  
11840 Valley View Road  
Eden Prairie, MN 55344**

**SERVE: The Corporation Trust Incorporated  
2405 York Road, Suite 201  
Baltimore, MD 21093**

**and**

**WILLIAM PERCY JOHNSON JR.  
1003 Old Millwood Road  
Newton, VA 23126**

**Defendants**

**Case No. \_\_\_\_\_**

**Jury Trial Requested**

**COMPLAINT**

Plaintiff Bernard Jammet (hereinafter “Mr. Jammet”) and Plaintiff Mary Christine Jammet (hereinafter “Ms. Jammet” and collectively “the Plaintiffs”), by their attorneys Morelli Law Firm, PLLC and Stein Mitchell Beato & Missner LLP respectfully allege as follows:

### **Nature of the Case**

1. This is a civil action for severe and permanent personal injuries inflicted upon Plaintiffs Mr. and Ms. Jammet by the negligent, reckless, grossly negligent, and unlawful conduct of Defendants United Natural Foods, Inc., Supervalu Transportation, Inc., and William Percy Johnson Jr. (collectively the “Defendants”). This action arises out of a motor vehicle collision that occurred on April 3, 2022 in Anne Arundel County on Aviation Boulevard near mile point 6.56, in which the Defendants’ tractor trailer operated by Defendants’ employee Defendant William Percy Johnson Jr. made a sudden, illegal and improper U-turn in the middle of Aviation Boulevard away from any intersection, across all lanes of travel, causing the vehicle driven by Mr. Jammet and occupied by Mrs. Jammet to slam into the side of the Defendants’ trailer. As a result, Mrs. Jammet sustained severe and permanent injuries including, but not limited to, fractures of her back, hand, shoulder and ribs. Mr. Jammet also sustained severe and permanent injuries including, but not limited to fractures to his right foot requiring surgery and injuries to his back requiring injections for treatment. The Defendants’ misconduct was the direct and proximate cause of the accident and of Plaintiffs’ injuries.

### **Parties**

2. Plaintiff Bernard Jammet is an individual and permanent resident of the state of Maryland. Mr. Jammet was sixty-three years old at the time of the accident

3. Plaintiff Mary Christine Jammet is an individual and citizen of the state of Maryland. Mrs. Jammet was fifty-four years old at the time of the accident.

4. Defendant United Natural Foods Inc. (“UNFI”) is a Delaware corporation with its principal place of business in Rhode Island. UNFI is the largest distributor of natural, organic and specialty foods and nonfood products across North America.

5. Defendant Supervalu Transportation Inc. (“Supervalu”) offers grocery wholesale distribution and supply chain services and is the largest publicly traded food wholesaler in the United States. Supervalu is a Delaware corporation and a wholly-owned subsidiary of Defendant United Natural Foods Inc. with its principal place of business in Minnesota.

6. Defendant William Percy Johnson Jr. is a resident of the state of Virginia. At the time of the accident, Defendant William Percy Johnson Jr. was operating a tractor trailer in the course of his employment.

### **Jurisdiction and Venue**

7. Jurisdiction is conferred on this Court by U.S.C. § 1332(a)(1), as the parties are citizens of different states and the amount in controversy exceeds \$75,000 exclusive of interests and costs.

8. Venue is proper in this Court as the subject incident occurred near the intersection of Aviation Boulevard and Stoney Run Road near mile point 6.56, which is located in Anne Arundel County.

### **Statement of Facts**

9. UNFI is the largest distributor of natural, organic and specialty foods across all of the United States and Canada. For the 2021 fiscal year, the company had net sales of 27 billion dollars. UNFI boasts a fleet of at least 1,355 tractors and 53 all-electric transport refrigerated trailer units.

10. On April 3, 2022, Defendant William Percy Johnson Jr. was an employee of UNFI.

11. On April 3, 2022, Defendant William Percy Johnson Jr. was acting within the scope of that employment such that Defendant UNFI is liable for injuries caused by Defendant William Percy Johnson Jr.'s negligence.

12. On April 3, 2022, William Percy Johnson Jr. was an employee of Defendant Supervalu.

13. On April 3, 2022, William Percy Johnson Jr. was acting within the scope of that employment such that Defendant Supervalu is liable for injuries caused by Defendant William Percy Johnson Jr.'s negligence.

14. On April 3, 2022, while acting in the scope of his employment, Defendant William Percy Johnson Jr. was operating a 2022 International Tractor and towing a semi-trailer (collectively, the "Truck").

15. On April 3, 2022, the Defendants' tractor was owned and registered to Defendant UNFI.

16. On April 3, 2022, the Defendants' semi-trailer was owned and registered to Defendant Supervalu.

17. Defendants' Truck weighed in excess of 26,000 pounds.

18. Operation of the Truck is a highly regulated and safety sensitive function, requiring the utmost care and diligence, as it is well known that failure to use the needed care foreseeably results in severe and catastrophic injuries to other motorists.

19. Operation of Defendants' fleet involves safety sensitive function, requiring the utmost care and diligence, as it is well known that failure to use the needed care foreseeably results in severe and catastrophic injuries to other motorists.

20. On April 3, 2022 at approximately 9:52 p.m., the Truck driven by Defendant William Percy Johnson Jr. was travelling southbound on Aviation Boulevard in the right lane near mile point 6.56 and was doing so in course and scope of his employment with his codefendants and with their consent.

21. Defendant William Percy Johnson Jr. had been entrusted with this vehicle by his codefendants, without sufficient or appropriate screening, training or supervision.

22. On April 3, 2022 at approximately 9:52 p.m., Plaintiff Bernard Jammet was operating a 2020 SUV with Plaintiff Mary Christine Jammet in the front passenger seat and was also traveling southbound in the left lane on Aviation Boulevard near mile point 6.56 at a lawful rate of speed and in compliance with all applicable traffic laws and regulations.

23. At the aforementioned date and time, Defendant William Percy Johnson Jr. abruptly and without warning made an illegal and improper U-turn across all lanes of Aviation Boulevard, at an area of the roadway where there is no intersection, across plaintiffs' lane of travel, without paying attention to the other vehicles lawfully traveling in his vicinity, and/or while distracted and/or improperly rested.

24. As a result of Defendant William Percy Johnson Jr.'s sudden, illegal and improper U-turn, all lanes of travel on southbound Aviation Boulevard were obstructed.

25. As a result, Plaintiffs' vehicle had no way to avoid impact, and was caused to slam into the side rear tires of the trailer portion of Defendants' Truck, causing Plaintiffs' airbags to be deployed.

26. Plaintiffs' vehicle was so badly damaged in the accident that emergency responders needed to extricate Ms. Jammet from the vehicle and Plaintiffs were transported to the emergency room via EMS.

27. Defendant William Percy Johnson Jr.'s driving was so dangerous as to exhibit a lack of appropriate screening, training or supervision by his co-Defendants.

28. As a result of the collision, Plaintiff Bernard Jammet was severely and permanently injured.

29. As a result of the collision, Plaintiff Mary Christine Jammet was severely and permanently injured.

30. As a direct and proximate result of the physical injuries sustained by Mr. Jammet in the collision, he has been left with severe and permanent disabilities that will in the future similarly incapacitate him and cause him pain and suffering, and require medical treatment and related services.

31. As a direct and proximate result of the physical injuries sustained by Mrs. Jammet in the collision, she has been incapacitated from pursuing her usual employment and other activities, has been left with severe and permanent disabilities that will in the future similarly incapacitate her and cause her pain and suffering, and require medical treatment and related services.

32. As a direct and proximate result of the injuries sustained by Mr. Jammet in the collision, he has been caused to incur damages including, but not limited to past pain and suffering and past economic loss including medical and related expenses.

33. As a direct and proximate result of the injuries sustained by Mrs. Jammet in the collision, she has been caused to incur damages including, but not limited to past pain and suffering and past economic loss including medical and related expenses.

34. As a direct and proximate result of the injuries sustained by Mr. Jammet in the collision, he will incur damages including future pain and suffering and future economic loss and medical and related expenses.

35. As a direct and proximate result of the injuries sustained by Mrs. Jammet in the collision, she will incur damages including future pain and suffering and future economic loss including and medical and related expenses.

**Count One – Negligence**

36. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as if fully set forth herein.

37. On April 3, 2022, Plaintiff Bernard Jammet was lawfully operating his vehicle travelling southbound on Aviation Boulevard near mile point 6.56 in Anne Arundel County, Maryland.

38. At all relevant times, Defendants had a duty to operate their Truck and their fleet in reasonably, safely, and in accordance with accepted standards of care.

39. At all relevant times, Defendants had a duty to select, screen, train, and supervise, their drivers, including William Percy Johnson Jr., in accordance with accepted rules, practices standards of care.

40. On April 3, 2022, William Percy Johnson Jr. unlawfully, negligently, recklessly, and in complete disregard for the rights of others, suddenly made an improper U-turn across the middle of Aviation Boulevard, without sufficient or appropriate screening, training or

supervision, without paying attention to the other vehicles lawfully traveling in his vicinity, and/or while distracted and/or improperly rested.

41. The Defendants were careless, negligent, unlawful and reckless in the ownership and operation of their vehicle and commercial fleet.

42. The Defendants were careless, negligent, unlawful and reckless in the inspection and maintenance of their vehicle and commercial fleet.

43. The Defendants were careless, negligent, unlawful and reckless in the selection, screening, training and supervision of their drivers, including William Percy Johnson Jr.

44. As a direct and proximate result of the Defendants' careless, negligent, unlawful and reckless conduct, the aforementioned collision occurred and Plaintiffs were caused to sustain severe and permanent personal injuries and damages.

#### **DEMAND FOR A JURY TRIAL**

Plaintiffs hereby demand a jury trial as to all issues so triable as a matter of right, pursuant to F.R.C.P. 38(b)(1) and 38(c).

#### **PRAYER FOR RELIEF**

WHEREFORE, plaintiff demands upon defendants:

- a. actual, compensatory, and statutory damages;
- b. punitive damages as allowed by law;
- c. pre and post-judgment interest as allowed by law;
- d. an award of attorneys' fees as allowed by law;
- e. an award of taxable costs; and
- f. any and all such further relief as this Court deems just and proper.



Date: August 16, 2022

Respectfully submitted,

/s/ Denis Mitchell

Denis Mitchell - Bar No.: 26510

Richard Bussey – Bar No.: 24116

STEIN MITCHELL BEATO & MISSNER, LLP

901 15<sup>th</sup> St. NW, Suite 700

Washington, D.C. 20005

(202) 737-7777

*Attorneys for Plaintiffs*

Benedict P. Morelli

David T. Sirotkin

Danielle Lamberg

MORELLI LAW FIRM, PLLC

777 Third Ave., 31<sup>st</sup> Fl.

New York, NY 10017

(212) 751-9800

*Attorneys for Plaintiffs*

*Petition for Admission Pro Hac Vice to be filed*

**Jury Prayer**

Plaintiffs demand a trial by jury on all issues so triable.

/s/ Denis Mitchell

Denis C. Mitchell